

BEFORE THE IOWA BOARD OF PHARMACY

Re:)	
Pharmacy License of)	Case No. 2008-24
MED 4 HOME PHARMACY)	
License No. 3207,)	STATEMENT OF CHARGES
Respondent.)	

COMES NOW, the Complainant, Lloyd K. Jessen, and states:

1. He is the Executive Director for the Iowa Board of Pharmacy (hereinafter, "Board") and files this Statement of Charges solely in his official capacity.
2. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 147, 155A and 272C (2007).
3. Effective December 5, 2008, the Board renewed the general pharmacy license of Med 4 Home Pharmacy (hereinafter, "Respondent"), allowing Respondent to engage in the operation of a pharmacy subject to the laws of the State of Iowa and the rules of the Board.
4. General pharmacy license 3207 is current and active until December 31, 2009.
5. Respondent is currently operating a general pharmacy at 10800 North Congress Avenue, Kansas City, Missouri 64153-1228, with Julian M. Williams as the pharmacist in charge.

A. CHARGE

COUNT I – VIOLATING LAWS OF ANOTHER STATE

Respondent is charged pursuant to Iowa Code § 155A.15(2)(c) (2007) and 657 Iowa Administrative Code §§ 36.1(4)(j), 36.1(4)(u) and 36.1(4)(ad), with violating the laws of Missouri, which laws relate to the practice of pharmacy.

B. CIRCUMSTANCES

Circumstances supporting the above charges are set forth in Attachment A.

WHEREFORE, the Complainant prays that a hearing be held in this matter and that the Board take such action as it may deem to be appropriate under the law.


LLOYD K. JESSEN
Executive Director

On this 17 day of February 2009, the Iowa Board of Pharmacy found probable cause to file this Statement of Charges and to order a hearing in this case.


LEMAN OLSON, Chairperson
Iowa Board of Pharmacy
400 SW Eighth Street, Suite E
Des Moines, Iowa 50309-4688

cc: Scott M. Galenbeck
Assistant Attorney General
Hoover State Office Building
Des Moines, Iowa

Med4Home-SOC 12-08

BEFORE THE IOWA BOARD OF PHARMACY

Re:)	Case No. 2008-24
Nonresident Pharmacy License of)	
MED 4 HOME PHARMACY)	STIPULATION
License No. 3207)	AND
Respondent)	CONSENT ORDER

Pursuant to Iowa Code §§ 17A.10, 155A.13A, 155A.15 and 272C.3(4) (2009), the Iowa Board of Pharmacy (hereinafter, the “Board”) and Med 4 Home Pharmacy (hereinafter, “Respondent”) have agreed to settle a contested case currently on file with the Board. The Statement of Charges filed against Respondent on February 17, 2009, and the licensee disciplinary proceeding shall be resolved without a hearing, as the Board and Respondent have agreed to the following Stipulation and Consent Order:

1. Respondent’s license to operate a nonresident pharmacy in Iowa was evidenced by Pharmacy License Number 3207, which is recorded in the permanent records of the Board.
2. Nonresident Pharmacy License Number 3207 is current and active until December 31, 2009.
3. The Board has jurisdiction over the parties and the subject matter herein.
4. A Statement of Charges was filed against Respondent February 17, 2009, alleging Respondent violated the laws of Missouri, which laws relate to the practice of pharmacy. The charges arose from holding vials of potentially contaminated compounds and the failure of Respondent to allow a Missouri pharmacy inspector access to pharmacy records.

5. Respondent does not contest the allegation and acknowledges that the allegation, if proven in a contested case proceeding, would constitute grounds for the discipline described herein.

6. Respondent's license shall be placed on probation for a period coinciding with Respondent's current probation in the State of Missouri, which extends through January of 2011. Respondent's license shall be on probation through January 29, 2011, upon the following conditions:

(a) During probation, Respondent shall file sworn quarterly reports with the Board attesting to Respondent's compliance with the terms and conditions of this Stipulation and Consent Order. The reports shall be filed not later than December 5, March 5, June 5 and September 5 of each calendar year. Respondent's quarterly reports shall identify the current person responsible for compliance with Iowa law, as well as any other information deemed to be necessary, from time to time, by the Board.

(b) Respondent shall obey all federal and state laws, rules, and regulations substantially related to the operation of an Iowa nonresident pharmacy.

7. Upon the Board's approval of this Stipulation and Consent Order, Respondent shall be assessed a fine in the amount of \$1000. The fine shall be made payable to the Treasurer of Iowa and mailed to the executive director of the Board within 10 days after Respondent's receipt of notice of the Board's approval of this Stipulation and Consent Order. All fines shall be deposited into the State of Iowa general fund. Upon the Board's receipt of the fine, *and successful completion of the probationary period*, this disciplinary

proceeding shall be concluded without further order of the Board.

8. Should Respondent violate or fail to comply with any of the terms or conditions of this Stipulation and Consent Order, the Board may initiate further action to impose licensee discipline as authorized by Iowa Code chapters 272C and 155A (2009), and 657 Iowa Administrative Code § 36.1.

9. This Stipulation and Consent Order is the resolution of a contested case. By entering into this Stipulation and Consent Order, Respondent waives all rights to a contested case hearing on the allegations contained in the Statement of Charges, and waives any objections to this Stipulation and Consent Order.

10. This proposed settlement is subject to approval by a majority of the full Board. If the Board fails to approve this settlement, it shall be of no force or effect to either party. If the Board approves this Stipulation and Consent Order, it shall be the full and final resolution of this matter.

11. The State's counsel may present this Stipulation and Consent Order to the Board.

12. The Board's approval of this Stipulation and Consent Order shall constitute a FINAL ORDER of the Board in a disciplinary action.

This Stipulation and Consent Order is voluntarily submitted by Med 4 Home Pharmacy to the Iowa Board of Pharmacy for its consideration on this 23 day of JUNE 2009.


Med 4 Home Pharmacy
Respondent

Subscribed and sworn to before me by Julian M. Williams, who has stated to me that he/she is the pharmacist in charge of Med 4 Home Pharmacy and is authorized to sign this Stipulation and

Consent Order on behalf of Med 4 Home Pharmacy on this 23 day of June, 2009 2009.

Cindy R. Iiams
Notary Public • Notary Seal
STATE OF MISSOURI
Clay County
My Commission Expires 6-27-2009
Commission #05403524

Cindy R. Iiams

NOTARY PUBLIC IN AND FOR THE
STATE OF MISSOURI

This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy on this 17th day of August 2009.

Ausan M. Frey

~~VERNON BENJAMIN, Chairperson~~
Iowa Board of Pharmacy
400 SW Eighth Street, Suite E
Des Moines, Iowa 50309-4688

cc: Scott M. Galenbeck
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